



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

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Doug Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

Maria R. Nold  
Regional Director

Permit No: VA0089168  
Effective Date: November 2, 2011  
Expiration Date: November 1, 2016

### AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

### THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this cover page, and Parts I and II of this permit, as set forth herein.

Owner: Lyon Shipyard, Incorporated  
Facility Name: Lyon Shipyard - Sealift Facility  
City: Norfolk  
County: N/A  
Facility Location: 307 Campostella Road  
Norfolk, Virginia 23523

The owner is authorized to discharge to the following receiving stream:

Stream: Eastern Branch of the Elizabeth River  
River Basin: James River (Lower)  
River Subbasin: N/A  
Section: 1b  
Class: II  
Special Standards: a, z

  
Maria R. Nold

  
November 1, 2011

Date

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 001 (non-storm, non-process wastewaters generated upon the floating drydock; SIC Codes 3731, 3732).

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u> <u>Sample Type</u>

THIS OUTFALL RECOGNIZES THE POTENTIAL TO DISCHARGE NON-STORM, NON-PROCESS WASTEWATER(S) [a] GENERATED AS A RESULT OF INDUSTRIAL OPERATIONS UPON THE FLOATING DRYDOCK, AT THIS FACILITY. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER(S) FROM THIS OUTFALL [b].

SEE PART I.B.6.e. FOR INFORMATION PERTAINING TO A QUARTERLY REPORT THAT SERVES TO DOCUMENT THE GENERATION OF PROCESS WASTEWATERS AT THIS LOCATION AND THE FATE AND DISPOSITION OF THOSE WASTEWATERS, IN LIEU OF DIRECT DISCHARGE TO SURFACE WATERS, FROM THE DRYDOCK.

- 1/3 Months =      In accordance with the following schedule: 1st quarter (January 1 - March 31); 2nd quarter (April 1 - June 30); 3rd quarter (July 1 - September 30); 4th quarter (October 1 - December 31).

[a] See Part I.B.6.d. for additional information.

[b] Process wastewater related to hull work shall be any water used on a vessel's hull for any purpose regardless of application pressure, including but not limited to the activities of removing marine salts, sediments, marine growth and paint or other hull, weather deck, or superstructure cleaning activities using water such as preparing those areas for inspection or work (cutting, welding, grinding, etc.).

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 901 (floating drydock - storm water discharge from industrial activity; SIC codes 3731, 3732).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS [a]	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/3 Months	Estimate [b]
pH (S.U.)	6.0	9.0	1/3 Months	Grab
Total Suspended Solids (mg/l) [c] [d]	NA	NL	1/3 Months	Grab
Total Petroleum Hydrocarbons (mg/l) [c] [e]	NA	NL	1/3 Months	Grab
Dissolved Copper (ug/l) [c] [d]	NA	NL	1/3 Months	Grab
Dissolved Zinc (ug/l) [c] [d]	NA	NL	1/3 Months	Grab

NL = No limit, however, reporting is required

NA = Not Applicable

1/3 Months =

In accordance with the following schedule: 1st quarter (January 1 - March 31); 2nd quarter (April 1 - June 30); 3rd quarter (July 1 - September 30); 4th quarter (October 1 - December 31).

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

- [a] See Part I.C.1. for additional storm water sampling and reporting requirements.
- [b] Estimate of the total volume of the discharge during the storm event.
- [c] See Parts I.B.3. and I.B.4. for quantification levels and reporting requirements, respectively.
- [d] See Part I.C.2. for information and requirements under the Storm Water Management Evaluation.
- [e] Total Petroleum Hydrocarbons (TPH) is the sum of individual gasoline range organics (TPH-GRO) and diesel range organics (TPH-DRO) to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). If the combination of Methods 8260B and 8270D is used, the laboratory must report the total of gasoline range organics, diesel range organics, and polynuclear aromatic hydrocarbons.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 002 (storm water discharge from industrial activity; SIC codes 3731, 3732).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS [a]	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/6 Months	Estimate [b]
pH (S.U.)	NL	NL	1/6 Months	Grab
Total Suspended Solids (mg/l)	NA	NL	1/6 Months	Grab
Total Petroleum Hydrocarbons (mg/l) [c] [d]	NA	NL	1/6 Months	Grab
Dissolved Copper (ug/l) [c]	NA	NL	1/6 Months	Grab
Dissolved Zinc (ug/l) [c]	NA	NL	1/6 Months	Grab

NL = No limit, however, reporting is required  
NA = Not Applicable

- 1/6 Months = In accordance with the following schedule: 1st half (January 1 - June 30); 2nd half (July 1 - December 31).

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

- [a] See Part I.C.1. for additional storm water sampling and reporting requirements.
- [b] Estimate of the total volume of the discharge during the storm event.
- [c] See Parts I.B.3. and I.B.4. for quantification levels and reporting requirements, respectively.
- [d] Total Petroleum Hydrocarbons (TPH) is the sum of individual gasoline range organics (TPH-GRO) and diesel range organics (TPH-DRO) to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). If the combination of Methods 8260B and 8270D is used, the laboratory must report the total of gasoline range organics, diesel range organics, and polynuclear aromatic hydrocarbons.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 003 (pressure relief discharge of unaltered waters drawn from the receiving stream for fire-fighting supply water).

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u> <u>Sample Type</u>

THIS OUTFALL SHALL CONTAIN ONLY DISCHARGES OF UNALTERED WATERS AS THEY ARE DRAWN FROM THE ADJACENT SURFACE WATER SOURCE. NO MONITORING OR REPORTING IS REQUIRED. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THIS OUTFALL.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)  
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 08/08/2011

DEPT. OF ENVIRONMENTAL QUALITY  
(REGIONAL OFFICE)

Tidewater Regional Office  
5636 Southern Boulevard

Virginia Beach VA 23462

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS  
BEFORE COMPLETING THIS FORM.

VA0089168		002	
PERMIT NUMBER		DISCHARGE NUMBER	
MONITORING PERIOD			
YEAR	MO	DAY	TO

NAME Lyon Shipyard Incorporated - Sealift Drydock  
ADDRESS PO Box 2180 Norfolk VA 23501  
FACILITY LOCATION 307 Campestella Rd, Norfolk, VA 23501

FROM

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
004 TSS	REPORTD *****	*****		*****	*****				
	REQRMNT *****	*****		*****	*****	NL	0	1/6M	GRAB
199 FLOW, PRECIPITATION EVENT	REPORTD *****	*****		*****	*****	*****			
	REQRMNT *****	NL	MG	*****	*****	*****	0	1/6M	EST
200 pH, PRECIPITATION EVENT	REPORTD *****	*****		*****	*****				
	REQRMNT *****	*****		NL	*****	NL	0	1/6M	GRAB
257 PETROLEUM HYDROCARBONS, TOTAL RECOVI	REPORTD *****	*****		*****	*****				
	REQRMNT *****	*****		*****	*****	NL	0	1/6M	GRAB
442 COPPER, DISSOLVED (UG/L AS CU)	REPORTD *****	*****		*****	*****				
	REQRMNT *****	*****		*****	*****	NL	0	1/6M	GRAB
448 ZINC, DISSOLVED (AS ZN) (UG/L)	REPORTD *****	*****		*****	*****				
	REQRMNT *****	*****		*****	*****	NL	0	1/6M	GRAB
	REPORTD								
	REQRMNT							*****	
	REPORTD								
	REQRMNT							*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

QL'S - TSS = 1.0 mg/l; Dissolved Copper = 10 ug/l; Dissolved Zinc = 100 ug/l; TPH = 1.0 mg/l

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)		TOTAL BOD5(K.G.)		OPERATOR IN RESPONSIBLE CHARGE			DATE			
						TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY	
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.						PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT			TELEPHONE			
						SIGNATURE						
						TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO.	DAY		

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)  
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 08/08/2011  
DEPT. OF ENVIRONMENTAL QUALITY  
(REGIONAL OFFICE)

Tidewater Regional Office  
5636 Southern Boulevard  
Virginia Beach VA 23462

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS  
BEFORE COMPLETING THIS FORM.

VA0089168		901	
PERMIT NUMBER		DISCHARGE NUMBER	
MONITORING PERIOD			
YEAR	MO	DAY	TO

NAME Lyon Shipyard Incorporated - Sealift Drydock  
ADDRESS PO Box 2180 Norfolk VA 23501  
FACILITY LOCATION 307 Campostella Rd, Norfolk, VA 23501

FROM

PARAMETER	QUANTITY OR LOADING		UNITS	QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM		MINIMUM	AVERAGE	MAXIMUM			
001 FLOW	REPORTD	*****		*****	*****	*****			
	REQRMNT	*****	NL	*****	*****	*****		1/3M	EST
002 PH	REPORTD	*****			*****				
	REQRMNT	*****		6.0	*****	9.0		1/3M	GRAB
004 TSS	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	*****	NL		1/3M	GRAB
257 PETROLEUM HYDROCARBONS, TOTAL RECOVI	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	*****	NL		1/3M	GRAB
442 COPPER, DISSOLVED (UG/L AS CU)	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	*****	NL		1/3M	GRAB
448 ZINC, DISSOLVED (AS ZN) (UG/L)	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	*****	NL		1/3M	GRAB
	REPORTD							*****	
	REQRMNT							*****	
	REPORTD							*****	
	REQRMNT							*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

QL'S - TSS = 1.0 mg/l; Dissolved Copper = 10 ug/l; Dissolved Zinc = 100 ug/l; TPH = 1.0 mg/l

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE	
				TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO.
				TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO.
						DAY	

This report is required by your VPDES permit and by law. (See, e.g., the Code of Virginia of 1950 §62.1-44.5 and 9 VAC 25-31-50.) Failure to report or failure to report truthfully can result in civil penalties of \$32,500 per violation, per day and felony prosecutions which can carry a 15 year term.

### DISCHARGE MONITORING REPORT (DMR) - GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil. The use of 'correction fluid/tape' is not allowed.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces have a requirement or limitation, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".  
 $\text{KG/DAY} = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 3.785$        $\text{G/D (Grams/Day)} = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 3785$
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. For all parameters enter the number of samples which do not comply with the maximum and/or minimum permit requirements in the "reported" space in the column marked "No. Ex." (Number of Exceedances). If none, enter "0". Do NOT include monthly average violations in this field. Include any Maximum 7-Day Average and Maximum Weekly Average violations in this field. Permittees with continuous pH, or temperature monitoring requirements should consult the permit for what constitutes an exceedance and report accordingly.
7. You are required to sample (at a minimum) according to the Sample Frequencies and Sample Types specified in your permit.
8. Enter the actual frequency of analysis for each parameter (number of times per day, week, month, etc.) in the "reported" space in the column marked "Frequency of Analysis".
9. Enter the actual type of sample (Grab, 8HC, 24HC, etc) collected for each parameter in the "reported" space in the column marked "Sample Type".
10. Enter additional required data or comments in the space marked "additional permit requirements or comments". If additional required data or comments are appended to the DMR, reference appended correspondence in this field.
11. Record the number of bypasses during the month, the total flow in million gallons (MG) and BOD5 in kilograms (KG) in the proper columns in the section marked "Bypasses and Overflows".
12. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator or if the operator in responsible charge of the facility is a licensed operator, the operator's signature and certificate number must be reported in the spaces provided.
13. The principal executive officer then reviews the form and must sign in the space provided and provide a telephone number where he/she can be reached. Every page of the DMR must have an original signature.
14. Send the completed form(s) with original signatures to your Department of Environmental Quality Regional Office by the 10th of each month unless otherwise specified in the permit.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each separate violation by date.
17. If you have any questions, contact the Department of Environmental Quality Regional Office listed on the DMR.



B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners

a. Water Quality Standards Reopener

Should effluent monitoring indicate the need for any water quality based limitation, this permit may be modified or, alternatively, revoked and reissued to incorporate appropriate limitations.

b. Nutrient Enriched Waters Reopener

This permit may be modified or, alternatively, revoked and reissued to include new or alternative nutrient limitations and/or monitoring requirements should the State Water Control Board adopt nutrient standards for the waterbody receiving the discharge or if a future water quality regulation or statute requires new or alternative nutrient control.

c. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or, alternatively, revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

2. Notification Levels

The permittee shall notify the Department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
- (4) The level established by the State Water Control Board.

- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

- (1) Five hundred micrograms per liter (500 ug/l);
- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
- (4) The level established by the State Water Control Board.

3. Quantification Levels Under Part I.A.

- a. The maximum quantification levels (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
TSS	1.0 mg/l
Total Petroleum Hydrocarbons	1.0 mg/l
Copper	10 ug/l
Zinc	100 ug/l

- b. The permittee may use any approved method which has a QL equal to or lower than the (QL) listed in Part I.B.3.a. above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.

4. Compliance Reporting Under Part I.A.

- a. Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.B.3.a. shall be determined as follows: All data below the quantification level (QL) listed in Part I.B.3.a. above shall be treated as zero. All data equal to or above the QL shall be treated as reported. An arithmetic average of the values shall be calculated using all reported data, including the defined zeros, collected for each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as <QL.
- b. Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.B.3.a. above. Otherwise, the numerical value shall be reported.
- c. Where possible, all limit values on the Part I.A. limits page(s) are expressed in two significant figures. As a result, single, trailing zeros occurring after any single digit are significant. Effluent limits of 10 or

greater are rounded to two significant whole numbers, with the exception that loading limits are expressed as whole numbers.

- d. The permittee shall report at least the same number of significant figures as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

5. Materials Handling and Storage

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes and/or other wastes to State waters, except as expressly authorized.

6. Shipyard Process Wastewater, Non-Storm Water Discharges and Non-Process Wastewater Discharges

- a. As defined by this permit, process wastewater related to hull work at ship repair and maintenance facilities shall be any water used on a vessel's hull for any purpose regardless of application pressure, including but not limited to the activities of removing marine salts, sediments, marine growth and paint, or other hull, weather deck, or superstructure cleaning activities using water such as preparing those areas for inspection or work (cutting, welding, grinding, coating, etc.).
- b. Direct discharges of process wastewaters, defined in Part I.B.6.a. above, from the floating drydock to surface waters are prohibited under this permit. Should the permittee consider restoring a capability to discharge process wastewater directly from the floating drydock to surface waters, this permit must be modified or, alternatively, revoked and reissued to incorporate necessary and appropriate effluent limitations, Part I.A. chemical monitoring, biological toxicity testing, and other permit conditions which address the State's water quality standards.
- c. Process wastewaters associated with hull preparation activities at the floating drydock shall be segregated from precipitation runoff to the extent practicable. If process wastewater continues to be generated during precipitation events the resulting discharges are subject to the following conditions.

- (1) If process wastewater activities, defined in Part I.B.6.a., continue during any storm events, the entire commingled volume is considered a process wastewater subject to the controls and prohibitions under this permit.
  - (2) If process wastewater generating activities cease due to the onset of a measurable storm event, only that volume of commingled wastewater generated to the point of cessation is considered to be a process wastewater subject to the controls and prohibitions under this permit.
- d. Non-storm water and non-process wastewater discharges originating from properly functioning equipment and systems aboard vessels hauled in the drydock and not affected by other ongoing industrial activities, are allowable provided the controls and restrictions in Parts I.B.7.a.(9) and I.B.7.a.(26) are continually imposed during the period when the vessel is hauled.
- e. To ensure compliance with the terms of this permit and verify the fate, and disposition of all process wastewaters generated upon the floating drydock, **a report shall be prepared and submitted to the Department's Tidewater Regional Office once every three months (quarterly), on a calendar year basis,** detailing how defined process wastewaters generated during the preceding three-month period were managed, including on-site treatment or disposal activities. The report may include facility logs, contractor invoices, and other similar documentation that will serve to verify how defined process wastewaters were handled during the term of this permit, in lieu of direct discharge to surface waters. The report shall provide sufficient details as to how process wastewaters were generated during the preceding three-month period, how they were managed, and the method of disposal or treatment.
- 1/3 Months = In accordance with the following schedule:
- 1st quarter (January 1 - March 31);
  - 2nd quarter (April 1 - June 30);
  - 3rd quarter (July 1 - September 30);
  - 4th quarter (October 1 - December 31).
- f. Low-Volume Wastewater Discharges
- (1) Low-volume non-process wastewater discharges may be present at fixed locations or from portable equipment that may be used at the facility.
  - (2) Where source waters are verified to be free of treatment chemicals or other performance enhancing substances, those low-volume wastewaters may be discharged without further restriction provided they enter the drainage way of a permitted outfall whenever practicable.

- (3) Where source waters originate from potable drinking water supplies and may contain treatment chemicals (i.e., chlorine, chloramines, copper, zinc, etc.), the permittee shall ensure final discharges of wastewaters are free of treatment chemicals, de-minimis in total volume, and released to surface waters through a permitted outfall whenever practicable.
- (4) The low-volume wastewater discharges in Part I.B.6.f.(1), (2), and (3) are allowed provided they are not exposed to, or come into contact with pollutants (i.e., spent abrasive, petroleum contaminated surfaces, etc.) subsequent to release at the point of origin. The Storm Water Pollution Prevention Plan (SWPPP) in Part I.C.3. shall address each discharge under this condition as a non-storm water discharge and identify management practices to be imposed. Discharges under this condition, which are not identified in the SWPPP, are unauthorized, unpermitted discharges under this permit.
- (5) Discharges from sinks and wash basins not tied into the sanitary collection system, compressors, the washing of decks, platforms, or lighters where animal wastes or other pollutants may be present, dewatering of flooded industrial shops and material storage areas, and welding or metal-working quench waters are all prohibited under this permit condition as they may contain unknown or unacceptable concentrations of pollutants. These particular wastewaters are considered to originate from discrete shipyard process activities and shall be collected for disposal in an approvable manner.

7. Best Management Practices (BMPs)

a. The permittee shall comply with the following:

- (1) Adequate disposal services shall be provided for all sanitary wastes generated by vessels moored or docked at the permitted facility to remove and dispose of all sewage from the vessels by discharge into the permitted facility's sanitary waste system or other appropriate collection means, in compliance with the Virginia Department of Health Regulations.
- (2) Vessels which have been fitted to collect gray water, either with sewage or separately, shall not discharge the gray water into surface waters unless specifically addressed as a permitted discharge in Part I.A. effluent limitations.

- (3) The general yard area shall be cleaned on a regular basis, as specified in the Storm Water Pollution Prevention Plan (Part I.C.3.), to minimize the possibility that runoff will carry spent abrasives, paints, solvents, cleaners, anti-corrosive compounds, paint chips, scrap metal, trash, garbage, petroleum products or other debris into the receiving water. Cleanup of areas contributing runoff shall consist of mechanical or manual methods to sweep up and collect the debris.

Mechanical cleanup may be accomplished by mechanical sweepers, front end loaders, vacuum cleaners or other innovative equipment. Manual methods include the use of shovels and brooms.

- (4) The drydock's deck shall be cleaned before launching to prevent the discharge of pollutants to the waterway. The drydock's deck shall also be cleaned on a regular basis so as to prevent rain from washing material into receiving waters. The minimum frequency of cleaning the drydock shall be specified in the facility's Storm Water Pollution Prevention Plan (Part I.C.3.).
- (5) Acceptable methods of control shall be utilized during water washing or blasting, abrasive blasting and/or spray painting, with the intent of preventing wastewater, blast dust and paint overspray from falling into the receiving water.

For drydocks, these include the following: downspraying of blast materials and paint; barriers or shrouds beneath the hull; barriers or shrouds between the hull and the wing walls of the drydock; barriers or shrouds hung from the flying bridge to the drydock, from the bow and stern of the vessel, or from temporary structures erected for that purpose. The bottom edge of free-hanging barriers shall be weighted to hold them in-place during a light breeze. When abrasive blasting vessel superstructures, openings and open areas between decks shall be covered (including but not limited to scuppers, railings, freeing ports, ladders, and doorways) if they allow discharge to State waters.

- (6) Fixed or floating platforms shall be used as work surfaces when working at the water surface. These platforms shall be used to provide a surface to catch spent abrasive, slag, paint, trash and other debris/pollutants and shall be cleaned at the end of each work shift.
- (7) Dust and overspray from abrasive blasting and painting in yard facilities shall be controlled to minimize the spreading of windblown materials.

Frequent cleanup of these areas shall be practiced to prevent abrasive blasting waste from being washed into storm sewers or the adjacent waterway.

- (8) When water blasting, hydroblasting, or water-cone blasting is used to remove paint from surfaces, the resulting water and debris shall be collected in a sump or other suitable device. This mixture then will be either delivered to appropriate containers and plainly labeled for removal and disposal, or subjected to treatment to concentrate the solids for proper disposal (See Part I.B.6.b.).
- (9) All shipboard cooling water and facility process water shall be directed away from contact with spent abrasive, paint and other debris. Contact of spent abrasive and paint with water will be prevented by proper segregation and control of wastewater streams.
- (10) Cleaning procedures shall be employed to remove waste materials in order to prevent their introduction into the storm drainage system.
- (11) The sediment traps in the stormwater drainage system(s) for drydock areas and other industrial areas shall be inspected on a monthly basis and cleaned as necessary to ensure the interception and retention of solids entering the drainage system(s). Inspection logs and cleaning records must be prepared and incorporated into the Storm Water Pollution Prevention Plan (Part I.C.3.).
- (12) During the drydocked period, oil, grease or fuel spills shall be prevented from reaching State waters. Cleanup shall be carried out promptly after an oil, grease or fuel spill is detected. Oil containment booms shall be conveniently stored so as to be immediately deployable in the event of a spill.
- (13) Drip pans or other protective devices shall be required for all oil or oily waste transfer operations to catch incidental spillage and drips from hose nozzles, hose racks, drums or barrels.
- (14) Oil contaminated materials shall be removed from the drydock as soon as possible, and in all cases prior to submersion of the drydock.
- (15) If required, an SPCC Plan and an oil spill discharge contingency plan must be on file, maintained current and utilized in the event that an oil spill occurs. If a spill is discovered, designated shipyard personnel should be notified immediately. Such personnel must be familiar with

containment and cleanup procedures, and must notify the Coast Guard and the DEQ of all spills that reach State waters, and immediately initiate containment/cleanup efforts. These cleanup procedures apply to hazardous substances kept on site as well. A list of such materials shall be provided to the DEQ for reference if a spill occurs. Included with this list must be an appropriate designated disposal site for each substance. Emulsifiers and dispersants are not suitable cleanup agents for spills in State waters.

- (16) Solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries, shall be plainly labeled and stored in a manner which will prevent the entry of these materials into waters of the State, including ground waters. Storage shall be in a manner that will prevent entry into State waters by overfilling, tipping, rupture, or other accidents within the storage area.
- (17) All metal finishing chemical solution, caustic wash, and rinse-water tanks shall be stored in such a manner and plainly labeled so as to prevent introduction of spills into State waters. Any intercepted chemical spill shall be recycled back to the appropriate chemical solution tank or disposed of. The spilled material must be handled, recycled or disposed of in such manner as to prevent its discharge into State waters.
- (18) The mixing of paints and solvents shall be carried out in locations and under conditions such that no spill shall enter surface waters.
- (19) Drip pans or other protective devices shall be required for all paint mixing and solvent transfer operations, unless the mixing operation is carried out in controlled areas away from storm drains, surface waters, shorelines and piers. Drip pans, drop cloths or tarpaulins shall be used whenever paints and solvents are mixed. Sorbents must be on hand to soak up liquid spills. Paints and solvents shall not be mixed in areas where spillage would have direct access to surface waters unless containment measures are employed.
- (20) Paint and solvent spills shall be treated as oil spills and shall be prevented from reaching storm drains or deck drains and subsequent discharge into the water.
- (21) The amount of paint stored on the drydock or upon a lighter's deck shall be kept to a minimum.



- (22) Trash receptacles shall be provided on each pier and on board each vessel. These receptacles shall be emptied as necessary to prevent trash from entering surface waters.
- (23) Leaking connections, valves, pipes, hoses and soil chutes carrying wastewater shall be replaced or repaired immediately. Soil chute and hose connections to vessels and to receiving lines or containers shall be tightly connected and leak free.
- (24) Prior to hose testing, spent abrasives, paint residues, and other debris from the area of the floating drydock shall be removed to prevent pollutants from entering the adjacent river.
- (25) Floatable and low density waste such as wood and plastic, as well as miscellaneous trash such as paper, insulation, and packaging, etc., shall be removed from the drydock deck prior to flooding or sinking.
- (26) Uncontaminated bilge and ballast or oil contaminated bilge and ballast treated by a properly functioning onboard oil/water separator system may be discharged to surface waters. Any other contaminated bilge and ballast shall not be discharged except as limited by Part I.A. Effluent Limitations.
- (27) All vessels that are hauled shall be beyond the normal high tidal zone. In the event of vessel overhang during abnormally high tides, all exterior abrasive/water blasting and coating work on the overhanging portion of the vessel shall be discontinued. Exterior work on vessels will not be in areas that extend beyond the length of the drydock, unless appropriate precautions are taken to prevent discharge of pollutants into surface waters.
- (28) Launching time intervals shall not be considered as a rationale for not cleaning a drydock.
- (29) Innovative measures for collecting abrasives may be presented for evaluation.
- (30) Section 325 of the National Defense Authorization Act for Fiscal Year (FY) 1996 amended Section 312 of the Clean Water Act (CWA) by adding a section on Uniform National Discharge Standards (UNDS) for Vessels of the Armed Forces. Phase I of the UNDS rulemaking was completed in FY99, with the Environmental Protection Agency (EPA) and the Department of Defense (DoD) jointly identifying 25 specific liquid discharges that require shipboard

marine pollution control devices (MPCDs). Phase II of the UNDS is presently on-going and DoD and the USEPA plan to promulgate performance standards for seven UNDS discharges, including underwater ship husbandry.

For all vessels other than Vessels of the Armed Forces, as defined by the UNDS, the in-water cleaning of any portion of a vessel's submerged hull (underwater ship husbandry, scamping, etc.) coated with ablative anti-foulant (AF) and anti-corrosion (AC) paints is prohibited.

b. Reporting

The permittee shall **submit quarterly (1/3 Months), on a calendar year basis, a detailed report** certifying compliance or noncompliance with all conditions of the preceding BMP's pertaining to piers, wet slips, drydocks, shore side work areas, and the record of process wastewater events conducted at the drydock (Part I.B.6.e.). The report shall be legible, include a weekly audit checklist for those areas and a narrative description of observations of non-compliance and corrective actions taken to return to compliance with the permit BMPs. The weekly audits shall be conducted by personnel not routinely associated with the aforementioned activities. **The reporting form is Attachment A to this permit.**

1/3 Months = In accordance with the following schedule:

1st Quarter (January 1 - March 31);

2nd Quarter (April 1 - June 30);

3rd Quarter (July 1 - September 30);

4th Quarter (October 1 - December 31).

8. Tributyltin (TBT) Exclusion

a. The removal and/or application (hereafter referred to as use) of hull coatings, and/or other materials/substances or structures which may contain the biocide tributyltin, or its derivatives, are prohibited at this permitted facility.

b. Should the permittee consider using hull coatings, paints and/or other materials/substances or structures that contain TBT, and which results in a point source discharge to surface waters, this permit must be modified or, alternatively, revoked and reissued to incorporate a limit and permit conditions that addresses the State's water quality standard for TBT prior to use.

9. Form 2F Sampling - Outfalls 901 and 002

The permittee shall complete and submit Part VII of EPA Form 2F for outfalls 901 and 002.

**Form 2F Information Due: No later than February 10, 2013**

## C. STORM WATER MANAGEMENT CONDITIONS

## 1. General Storm Water Special Conditions

## a. Sample Type

For all storm water monitoring required in Part I.A. or other applicable sections of this permit, a minimum of one grab sample shall be taken. Unless otherwise specified, all such samples shall be collected from the discharge resulting from a storm event that occurs at least 72 hours from the previously measurable storm event (a "measurable storm event" is defined as a storm event that results in an actual discharge from the site). The required 72-hour storm event interval is waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or non-process water, then where practicable, permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

## b. Sampling Methodology for Specific Outfalls - Outfalls 901 and 002

Due to the nature of the effluent discharged at these outfalls (potentially contaminated storm water associated with a regulated industrial activity), the following shall be required when obtaining samples required by Part I.A. of this permit:

- (1) At the time of sampling, the permittee shall ensure that the effects of tidal influences are kept to an absolute minimum. This can be achieved by:
  - (a) Sampling at low tide; and/or
  - (b) Sampling at a representative point which has been demonstrated to be free of tidal influences
- (2) In the event that sampling of an outfall is not possible due to the absence of effluent flow during a particular testing period, the permittee shall provide written notification to the DEQ's Tidewater Regional Office with the DMR for the month following the period in which samples were to be collected.

c. Recording of Results

For each measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the Discharge Monitoring Reports (DMRs) the following information:

- (1) The date and duration (in hours) of the storm event(s) sampled;
- (2) The rainfall total (in inches) of the storm event which generated the sampled discharge; and
- (3) The duration between the storm event sampled and the end of the previous measurable storm event.

In addition, the permittee shall maintain a monthly log documenting the amount of rainfall received at this facility on a daily basis. A summarization of this information shall also be submitted with the DMRs.

d. Sampling Waiver

When a permittee is unable to collect storm water samples required in Part I.A. or other applicable sections of this permit within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

e. Representative Discharges

When a facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the permittee may test the effluent of one of such outfalls and report that the quantitative data also apply to the substantially identical outfall(s) provided that:

- (1) the representative outfall determination has been approved by DEQ prior to data submittal; and,
- (2) the permittee includes in the storm water pollution prevention plan a description of the location of

the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents.

f. Quarterly Visual Examination of Storm Water Quality - Outfalls 901 and 002

- (1) The permittee must perform and document a quarterly visual examination of a storm water discharge from each outfall, except discharges exempted below. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. Whenever practicable, the visual examination should be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation must be signed and certified in accordance with Part II.K. of this permit.
- (2) Visual examinations must be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging from the facility. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All samples (except snowmelt samples) must be collected from the discharge resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event"), and that occurs at least 72 hours from the previously measurable storm event. The 72-hour storm interval is waived if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term. If no qualifying storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating

that no qualifying storm event occurred during daylight hours that resulted in storm water runoff during that quarter. The documentation must be signed and certified in accordance with Part II.K. of this permit.

- (3) The visual examination reports must be maintained on-site with the SWPPP. The report must include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- (4) If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the permittee may conduct visual monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low [under 40 percent], medium [40 to 65 percent], or high [above 65 percent]) shall be provided in the plan.
- (5) When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

g. Allowable Non-Storm Water Discharges

- (1) The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with g.(2) below:
  - (a) Discharges from fire fighting activities;
  - (b) Fire hydrant flushings;
  - (c) Potable water including water line flushings;
  - (d) Uncontaminated air conditioning or compressor condensate;
  - (e) Irrigation drainage;
  - (f) Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's directions;
  - (g) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
  - (h) Routine external building wash down which does not use detergents;
  - (i) Uncontaminated ground water or spring water;
  - (j) Foundation or footing drains where flows are not contaminated with process materials; and
  - (k) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).
  - (l) Those qualifying non-storm water discharges identified in Parts I.B.6.d. and I.B.6.f. for which specific controls have been identified in this permit's SWPPP.
- (2) Except for flows from fire fighting activities, the SWPPP must include:
  - (a) Identification of each allowable non-storm water source;
  - (b) The location where the non-storm water is likely to be discharged; and
  - (c) Descriptions of appropriate BMPs for each source.
- (3) If mist blown from cooling towers is included as one of the allowable non-storm water discharges from the facility, the permittee must specifically evaluate the discharge for the presence of chemicals used in the cooling tower. The evaluation shall be included in the SWPPP.

h. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from the facility shall be prevented or minimized in accordance with the storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 or § 62.1-44.34:19 of the Code of Virginia. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302 occurs during a 24-hour period:

- (1) The permittee is required to notify the Department in accordance with the requirements of Part II.G. of this permit as soon as he or she has knowledge of the discharge;
- (2) Where a release enters an adjacent Municipal Separate Storm Sewer System (MS4; e.g., City of Norfolk), the permittee shall also notify the owner of the MS4; and
- (3) The SWPPP required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

i. Co-Located Industrial Activities

- (1) If the facility has industrial activities occurring on-site which are described by any of the activities identified in the application submitted for reissuance of this permit, those industrial activities are considered to be co-located industrial activities. Storm water discharges from co-located industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements set forth in Parts I.A. and I.D. of this permit, applicable to that particular co-located industrial activity. The permittee shall determine which additional pollution prevention plan and monitoring requirements are applicable to the co-located industrial activity by examining the narrative descriptions of each coverage section.



- (2) Sector-specific monitoring requirements and limitations are applied discharge by discharge at facilities with co-located activities. Where storm water from the co-located activities are commingled, the monitoring requirements and limitations are additive. Where more than one numeric limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required. Where monitoring requirements for a monitoring period overlap, the permittee may use a single sample to satisfy both monitoring requirements.

j. Additional Requirements for Salt Storage

Storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. All salt storage piles shall be located on an impervious surface. All runoff from the pile, and/or runoff that comes in contact with salt, including under drain systems, shall be collected and contained within a bermed basin lined with concrete or other impermeable materials., or within an underground storage tank(s), or within an above ground storage tank(s), or disposed of through a sanitary sewer (with the permission of the treatment facility). A combination of any or all of these methods may be used. In no case shall salt contaminated storm water be allowed to discharge directly to the ground or to state waters.

2. Storm Water Management Evaluation

The SWPPP, which is to be developed and maintained in accordance with Part I.C.3 of this permit, shall have a goal of reducing pollutants discharged at all the regulated storm water outfalls.

a. Pollutant Specific Screening

The goal shall place emphasis on reducing, to the maximum extent practicable, the following screening criteria (SC) parameter(s) in the outfalls noted below.

<u>OUTFALL NUMBER</u>	<u>POLLUTANTS</u>	<u>SC VALUE</u>
901	Total Suspended Solids,	100 mg/l
	Copper,	18 ug/l
	Zinc	120 ug/l

## b. Toxicity Screening - Outfall 901

The permittee shall conduct **semi-annual acute toxicity tests** on outfall 901 using grab samples of final effluent. These acute screening tests shall be 48-hour static tests using Americamysis bahia (A.b.), conducted in such a manner and at sufficient dilutions for calculation of a valid  $LC_{50}$ . **The test shall be conducted once per 6 months (1/6 Months), on a calendar year (CY) basis (January 1 - June 30, July 1 - December 31), with one copy of all results and all supporting information submitted by the 10<sup>th</sup> of the month following the sampling date but no later than July 10, and January 10<sup>th</sup> of each CY. The first annual toxicity test results are due no later than July 10, 2012.**

Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

If any of the biological screening tests are invalidated, an additional test shall be conducted within thirty (30) days of notification. If there is no discharge during this 30-day period, a sample must be taken during the first qualifying discharge.

c. Sampling methodology for the noted outfalls shall be in accordance with Parts I.A. and I.C.1. of this permit. Toxicity samples shall be taken at the same time as the other chemical parameter monitoring listed in Part I.A. of this permit for outfall 901. **The permittee shall submit the following information with the results of the toxicity tests.**

- (1) The actual or estimated effluent flow at the time of the sampling.
- (2) An estimate of the total volume of storm water discharged through each outfall during the discharge event.
- (3) An estimate of the time at which the discharge event began, the time at which the effluent was sampled, and the duration of the discharge event.

d. The effectiveness of the SWP3 will be evaluated via the required monitoring for all parameters listed in Part I.A. of this permit for the regulated storm water outfalls, including the screening criteria parameters and toxicity screening. Monitoring results which are either above the screening criteria values or, in the case of toxicity, result in an  $LC_{50}$  of less than 100% effluent, will not indicate unacceptable values. However, those results will justify the need to reexamine the effectiveness of the SWP3 and any best management practices (BMPs) being utilized for the affected outfalls. In addition, the permittee shall

amend the SWP3 whenever there is a change in the facility or its operation which materially increases the potential for activities to result in a discharge of significant amounts of pollutants.

By February 10th of each year, the permittee shall submit to the DEQ Tidewater Regional Office an annual report which includes the pollutant-specific and biological monitoring data from the outfalls included in this condition along with a summary of any steps taken to modify either the Plan or any BMPs based on the monitoring data.

**First Annual Toxicity Screening and Annual Report Due:  
No later than February 10, 2013.**

3. Storm Water Pollution Prevention Plan (SWPPP)

The storm water pollution prevention plan requirements of this permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part I.C.3.b. (Contents of the Plan). All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of Part I.C.3.b. the permittee shall develop the missing SWPPP elements and include them in the required plan.

a. Deadlines for Plan Preparation and Compliance

(1) A SWPPP for the facility was required to be developed and implemented under the previous permit. The existing storm water pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section. Permittees shall implement the provisions of the SWPPP as a condition of this permit.

(2) Measures That Require Construction

In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years after the effective date of this permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

b. Contents of the Plan

The contents of the SWPPP shall comply with the requirements listed below and those in Part I.C.4. The plan shall include, at a minimum, the following items:

(1) Pollution Prevention Team

The plan shall identify the staff individuals by name or title that comprise the facility's storm water pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising, and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.

(2) Site Description

The plan shall include the following:

(a) Activities at the Facility

A description of the nature of the industrial activities at the facility.

(b) General Location Map

A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.

(c) Site Map

A site map identifying the following:

- i. The size of the property (in acres);
- ii. The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas);
- iii. Locations of all storm water conveyances including ditches, pipes, swales, and inlets, and the directions of storm water flow (use arrows to show which ways storm water will flow);
- iv. Locations of all existing structural and source control BMPs;
- v. Locations of all surface water bodies, including wetlands;
- vi. Locations of potential pollutant sources identified under Part I.C.2.b.(3);

- vii. Locations where significant spills or leaks identified under Part I.C.2.b.(4) have occurred;
- viii. Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;
- ix. Locations of storm water outfalls and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the storm water from the facility discharges to them;
- x. Location and description of all non-storm water discharges;
- xi. Location of any storage piles containing salt used for deicing or other commercial or industrial purposes; and
- xii. Locations and sources of runoff to the site from adjacent property where the runoff contains significant quantities of pollutants. The permittee shall include an evaluation with the SWPPP of how the quality of the storm water running onto the facility impacts the facility's storm water discharges.

(d) Receiving Waters and Wetlands

The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a description of wetland sites that may receive discharges from the facility. If the facility discharges through a MS4, identify the MS4 operator, and the receiving water to which the MS4 discharges.

(3) Summary of Potential Pollutant Sources

The plan shall identify each separate area at the facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description shall include:

(a) Activities in Area

A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and

(b) Pollutants

A list of the associated pollutant(s) or pollutant constituents (e.g., crankcase oil zinc, sulfuric acid, cleaning solvents, etc.) for each activity. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to storm water in the three years prior to the date this SWPPP was prepared or amended. The list shall include any hazardous substances or oil at the facility.

(4) Spills and Leaks

The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to storm water discharges can occur and their corresponding outfalls. The plan shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include releases of oil or hazardous substances in excess of reportable quantities, and may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

(5) Sampling Data

The plan shall include a summary of existing storm water discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous permit term.

(6) Storm Water Controls

- (a) BMPs shall be implemented for all the areas identified in Part I.C.2.b.(3) (Summary of Potential Pollutant Sources) to prevent or control pollutants in storm water discharges from the facility. All reasonable steps shall be taken to control or address the quality of discharges from the site that may not originate at the facility. The SWPPP shall describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to storm water. Selection of BMPs shall take into consideration:
- i. That preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
  - ii. BMPs generally shall be used in combination with each other for most effective water quality protection;
  - iii. Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;
  - iv. That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid groundwater contamination);
  - v. Flow attenuation by use of open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
  - vi. Conservation or restoration of riparian buffers will help protect streams from storm water runoff and improve water quality; and

- vii. Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

(b) Control Measures

The permittee shall implement the following types of BMPs to prevent and control pollutants in the storm water discharges from the facility unless it can be demonstrated and documented that such controls are not relevant to the discharges (e.g., there are no storage piles containing salt).

i. Good Housekeeping

The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to storm water discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers. The introduction of raw, final or waste materials to exposed areas of the facility shall be minimized to the maximum extent practicable. The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized to the maximum extent practicable.

ii. Eliminating and Minimizing Exposure

To the extent practicable, industrial materials and activities shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Note: Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion" for No Exposure" provision of 9 VAC 25-31-120 E, thereby eliminating the need to have a permit.



iii. Preventive Maintenance

The permittee shall have a preventive maintenance program that includes regular inspection, testing, maintenance and repairing of all industrial equipment and systems to avoid breakdowns or failures that could result in leaks, spill and other releases. This program is in addition to the specific BMP maintenance required under Part I.C.3.c. (Maintenance of BMPs).

iv. Spill Prevention and Response Procedures  
The plan shall describe the procedures that will be followed for preventing and responding to spills and leaks.

- Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.
- Response procedures shall include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the Pollution Prevention Team.
- Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP, and in other locations where it will be readily available.

v. Routine Facility Inspections

- Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs shall regularly inspect all areas of the facility where industrial materials or activities are exposed to storm water. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part I.C.3.d. At least one member of the Pollution Prevention Team shall participate in the routine facility inspections.
- The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the Department for less frequent intervals. At least once each calendar year, the routine facility inspection must be conducted during a period when a storm water discharge is occurring.
- Any deficiencies with implementation of the SWPPP that are found, including those discovered during quarterly visual examinations (Part I.C.1.f.) shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the Director. The results of the inspections shall be documented in the SWPPP, along with date(s) and description(s) of any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified. Any corrective actions taken must be documented

and retained with the SWPPP.

Reports of corrective actions must be signed in accordance with Part II K.

vi. Employee Training

The permittee shall implement a storm water employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to storm water, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

vii. Sediment and Erosion Control

The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

viii. Management of Runoff

The plan shall describe the storm water runoff management practices (i.e., permanent structural BMPs) for the facility. These types of BMPs are

typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site. Structural BMPs may require a separate permit under § 404 of the CWA and the Virginia Water Protection Permit Program Regulation (9 VAC 25-210) before installation begins.

c. Maintenance

All BMPs identified in the SWPPP shall be maintained in effective operating condition. Storm water BMPs identified in the SWPPP shall be observed during active operation (i.e., during a storm water runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP. The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all BMPs, and shall include a description of the back-up practices that are in place should a runoff event occur while a BMP is off-line. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.). If site inspections required by Part I.C.3.b.(6)(b)(v) (Routine Facility Inspections) or Part I.C.3.d. (Comprehensive Site Compliance Evaluation) identify BMPs that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of BMPs, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair or replacement, and for repairs, date(s) that the BMP(s) returned to full function, and the justification for any extended maintenance or repair schedules.

d. Comprehensive Site Compliance Evaluation

The permittee shall conduct comprehensive site compliance evaluations at least once a calendar year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs. The personnel conducting the evaluations may be either facility employees or outside constituents hired by the facility.

(1) Scope of the Compliance Evaluation

Evaluations shall include all areas where industrial materials or activities are exposed to storm water, as identified in Part I.C.3.b.(3). The personnel shall evaluate:

- (a) Industrial materials, residue or trash that may have or could come into contact with storm water;
- (b) Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;
- (c) Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;
- (d) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;
- (e) Evidence of, or the potential for, pollutants entering the drainage system;
- (f) Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;
- (g) Review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs;
- (h) Results of both visual and any analytical monitoring done during the past year shall be taken into consideration during the evaluation.

- (2) Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by Part I.C.3.b.(2)(c); revise the description of controls required by Part I.C.3.b.(6) to include additional or modified BMPs designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the Director. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next

anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the Department;

(3) Compliance Evaluation Report

A report shall be written summarizing the scope of the evaluation, name(s) of personnel making the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part I.C.3. d.(1)(a) through (h) above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of BMPs that need to be maintained or repaired; location(s) of failed BMPs that need replacement; and location(s) where additional BMPs are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II.K. and maintained with the SWPPP.

- (4) Where compliance evaluation schedules overlap with routine inspections required under Part I.C.3. b.(6)(b)v., the annual compliance evaluation may be used as one of the routine inspections.

e. Signature and Plan Review

(1) Signature/Location

The SWPPP shall be signed in accordance with Part II.K., dated, and retained on-site at the facility covered by this permit in accordance with Part II.B.2. All other changes to the SWPPP, and other permit compliance documentation, must be signed and dated by the person preparing the change or documentation.

(2) Availability

The permittee shall make the SWPPP, annual site compliance evaluation report, and other information available to the Department upon request.

(3) Required Modifications

The Director may notify the permittee at any time that the SWPPP, BMPs, or other components of the facility's storm water program do not meet one or

more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met, and may include required modifications to the storm water program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the Director, and shall submit a written certification to the Director that the requested changes have been made.

f. Maintaining an Updated SWPPP.

- (1) The permittee shall review and amend the SWPPP as appropriate whenever:
  - (a) There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;
  - (b) Routine inspections or compliance evaluations determine that there are deficiencies in the BMPs;
  - (c) Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
  - (d) There is a spill, leak or other release at the facility; or
  - (e) There is an unauthorized discharge from the facility.
- (2) SWPPP modifications shall be made within 30 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part I.C.3.b.(6)(b)(iii) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the Director. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.
- (3) If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of

such releases. Unauthorized releases and discharges are subject to the reporting requirements of Part II.G. of this permit.

4. Facility Specific Requirements - Ship and Boat Building or Repair Yards

a. Discharges Covered Under This Section

The requirements under this section apply to storm water discharges associated with industrial activity from facilities engaged in ship building and repairing and boat building and repairing (SIC code 373). According to the U.S. Coast Guard, a vessel 65 feet or greater in length is referred to as a ship and a vessel smaller than 65 feet is a boat.

b. Special Conditions - Prohibition of Non-Storm Water Discharges

In addition to the general non-storm water prohibition, the following discharges are not covered by this permit unless authorized elsewhere in this permit: contaminated bilge and ballast, pressure wash water (process wastewater), sanitary wastes, and unless segregated from process wastes upon the floating drydock, cooling water originating from vessels which have been hauled.

c. Storm Water Pollution Prevention Plan Requirements

In addition to the requirements of Part I.C.3., the plan shall include, as a minimum, the following items.

(1) Site Description

(a) Site Map

The site map shall identify the location where any of the following activities may be exposed to precipitation/surface runoff: fueling, engine maintenance/repair, vessel maintenance/repair, pressure washing, painting, blasting, welding, metal fabrication, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, liquid storage areas (e.g., paint, solvents, resins), and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

(b) Potential Pollutant Sources

The plan shall include a description of the following additional sources and activities that have potential pollutants associated



with them (if applicable): outdoor manufacturing/processing activities (e.g., welding, metal fabricating); and significant dust/particulate generating processes (e.g., abrasive blasting, sanding, painting).

(2) Storm Water Controls

(a) Good Housekeeping Measures

i. Pressure Washing Area

If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted as a process wastewater unless removed from the facility for appropriate treatment and authorized discharge by capable contractors.

ii. Blasting and Painting Areas

The permittee shall describe and implement measures to prevent spent abrasives, paint chips and overspray from discharging into the receiving waterbody or the storm sewer system. To prevent the discharge of contaminants, the permittee shall consider containing all blasting/painting activities of using other methods, such as hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. The plan shall include a schedule for regularly cleaning storm systems to remove deposits of abrasive blasting debris and paint chips. The plan shall include any standard operating practices with regard to blasting and painting activities such as the prohibition of uncontained blasting/painting over open water or the prohibition of blasting/painting during windy conditions that can render containment ineffective.

iii. Material Storage Areas

All containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) shall be plainly labeled and stored in a protected, secure location away from drains. The permittee shall

describe and implement measures to prevent or minimize contamination of precipitation/surface runoff from the storage areas. The plan shall specify which material are stored indoors and considered containment or enclosure for materials that are stored outdoors. The permittee shall consider implementing an inventory control plan to limit the presence of potentially hazardous materials on-site. Where abrasive blasting is performed, the plan shall specifically include a discussion on the storage and disposal of spend abrasive material generated at the facility.

iv. Engine Maintenance and Repair Areas

The permittee shall describe and implement measures to prevent or minimize contamination of precipitation/surface runoff from all areas used for engine maintenance and repair. The permittee shall consider the following measures (or their equivalent): performing all maintenance activities indoors; maintaining an organized inventory of material used in the shop; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the maintenance area.

v. Material Handling Areas

The permittee shall describe and implement measures to prevent or minimize contamination of precipitation/surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). The permittee shall consider the following methods (or their equivalents): covering fueling areas; using spill/overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimizing runoff of storm water to material handling areas.

vi. Drydock Activities

The plan shall address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in the storm water runoff. The plan shall describe the procedures for cleaning the accessible areas of the drydock prior to flooding and final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock shall also be included within the plan. The permittee shall consider the following measures (or their equivalents): sweeping rather than hosing off debris/spent abrasive material from the accessible areas of the drydock prior to flooding and having absorbent material and oil containment booms readily available to contain/cleanup any spills.

vii. General Yard Area

The plan shall include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., shall be routinely removed from the general yard area, at a frequency specified in the plan.

(b) Preventative Maintenance

As part of the facility's preventative maintenance program, storm water management devices shall be inspected and maintained in a timely manner (e.g., oil/water separators and sediment traps cleaned to ensure that spent abrasives, paint chips and solids are intercepted and retained prior to entering the storm drainage system). Facility equipment and systems shall also be inspected and tested to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

## (c) Routine Facility Inspections

The following areas shall be included in all monthly inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance/repair areas; material handling areas; drydock area; and general yard area.

## (d) Employee Training

Training shall address, at a minimum, the following activities (as applicable): Used oil management; spent solvent management; proper disposal of spent abrasives; proper disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management.

## (e) Comprehensive Site Compliance Evaluation

The permittee shall conduct regularly scheduled evaluations at least once a calendar year and address those areas contributing to a storm water discharge associated with industrial activity (e.g., pressure washing area, blasting/sanding areas, painting areas, material storage areas, engine maintenance/repair areas, material handling areas, and drydock area). These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.

## d. Benchmark Monitoring and Reporting Requirements

In addition to the chemical monitoring required by Part I.A. of this permit for outfalls 901 and 002, and biological toxicity testing required by Part I.C.2.b. for outfall 901, ship and boat building or repairing yards are required to monitor their storm water discharges for the pollutants of concern listed in the table below.

Ship and Boat Building or Repairing Yards (SIC 3731, 3732)	
Pollutants of Concern	Benchmark Concentration
Total Suspended Solids	100 mg/l

**ATTACHMENT A  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BMP COMPLIANCE REPORT**

Facility Name: Lyon Shipyard, Incorporated – Sealift Facility

Address: 307 Campostella Road  
Norfolk, Virginia 23523

VPDES Permit No.: VA0089168

Report Period: FROM: \_\_\_\_/\_\_\_\_/\_\_\_\_ TO: \_\_\_\_/\_\_\_\_/\_\_\_\_

<b><u>OUTFALL NUMBER</u></b>	<b><u>COMPLIANCE</u></b>	/	<b><u>NONCOMPLIANCE</u></b> *
	(check as appropriate)		

**001 (901) Floating  
Drydock**

\_\_\_\_\_

\_\_\_\_\_

**002 Yard Storm Drain**

\_\_\_\_\_

\_\_\_\_\_

**Process Wastewater  
Disposition Report Attached**

**YES**

**NO**

**001**

\_\_\_\_\_

\_\_\_\_\_

**Weekly Audit (facility)  
Checklists Attached:**

\_\_\_\_\_

\_\_\_\_\_

\* **Comments on Noncompliance:** All noted deficiencies, corrective actions, and other comments shall be detailed on separate attachment to this report.

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Name of Principal Exec. Officer or Authorized Agent	/	Title
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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. See 18 U.S.C. §1001 and 33 U.S.C. §1319. (Penalties under these statutes may include fines up to \$10,000 and or maximum imprisonment of between 6 months and 5 years.)

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Signature of Principal Officer or Authorized Agent	/	Date
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CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. All analysis for compliance with effluent limitations shall be in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule

is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality  
Tidewater Regional Office  
5636 Southern Boulevard  
Virginia Beach, Virginia 23462

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such

waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F.; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.



I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I.1. or II I.2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I.2.

**NOTE: The immediate (within 24 hours) reports required in Parts II G., H., and I. may be made to the Department's Regional Office at (757) 518-2000 (voice), and online <http://www.deq.virginia.gov/prep/h2rpt.html> . For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.**

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
    - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

- (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a

principal executive officer of a public agency includes:  
(i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II K.1.;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position.); and
  - c. The written authorization is submitted to the Department.
3. Changes to Authorization. If an authorization under Part II K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K.2. shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II K.1. or K.2. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit

termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U.), and "upset" (Part II V.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee

only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U.2. and U.3.
2. Notice
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.
3. Prohibition of Bypass
  - a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
    - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U.2.

- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U.3.a.

V. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V.2. are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in Part II I.; and
  - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of Permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y.2., a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y.1., this permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y.2.b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.